

SENATE BILL NO. 419

INTRODUCED BY RYAN, TASH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MORATORIUM ON NEW SCHOOL DISTRICTS TO ALLOW CREATION UNDER CERTAIN CIRCUMSTANCES OF A HIGH SCHOOL DISTRICT SOLELY FOR THE PURPOSE OF EXPANDING AN ELEMENTARY DISTRICT INTO A K-12 SCHOOL DISTRICT; ESTABLISHING PROCEDURES FOR CREATION BY PETITION OR TRUSTEE RESOLUTION; AMENDING SECTION 20-6-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Procedure for creation of high school district solely for expansion into K-12 school district -- petition by electors or trustee resolution. (1) An existing elementary district may create a high school district solely for the purpose of expanding an elementary district into a K-12 district ONLY IF:

(A) THE NEAREST ELEMENTARY SCHOOL BUILDING IS LOCATED AT A DISTANCE OF AT LEAST ~~35~~ 40 MILES FROM THE NEAREST ACCESSIBLE HIGH SCHOOL; AND

(B) THE TRIP FROM THE NEAREST ELEMENTARY SCHOOL BUILDING TO THE NEAREST ACCESSIBLE HIGH SCHOOL IS 60 MINUTES OR MORE OVER THE SHORTEST PASSABLE ROUTE;

(C) PERIODICALLY DURING THE SCHOOL YEAR, THE CONDITION OF THE ROAD MAKES IT IMPRACTICAL TO ATTEND THE NEAREST ACCESSIBLE HIGH SCHOOL; AND

~~(D)~~ (D) THE NEWLY CREATED K-12 DISTRICT WILL ENROLL AT LEAST ~~25~~ 50 HIGH SCHOOL STUDENTS WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THE CREATION OF THE NEW DISTRICT.

(2) The creation of a new high school district may be requested either by:

(a) the electors of the elementary district who are qualified to vote under 20-20-301 and who present a petition that conforms to the provisions of 20-6-105(1) to the county superintendent; or

(b) the trustees of an existing elementary district through passage of a resolution that includes the information outlined in 20-6-105(3) and requests the county superintendent to order an election to allow the electors of the elementary district to consider the proposition to create a high school district solely for the

1 purpose of expanding the elementary school district into a K-12 district.

2 (3) If a valid petition is delivered to the county superintendent, the county superintendent shall hold a
3 hearing pursuant to 20-6-105(6) and, within 30 days after the hearing, issue findings of facts and conclusions
4 of law and an order granting or denying the proposed creation of a new K-12 district.

5 (4) If a resolution passed by the trustees of the elementary district is delivered to the county
6 superintendent and if the county superintendent receives a resolution consenting to the creation of the high
7 school district passed by the trustees of the high school district from which the property will be transferred, the
8 county superintendent shall, within 10 days after receipt of both resolutions, order an election within the
9 elementary district pursuant to 20-20-201 and conduct the election as prescribed in this title for school elections.

10 (5) If the proposition for expansion is approved by the electors of the elementary district and the trustees
11 issue a certificate of election as provided in 20-20-416, the county superintendent shall order the creation of the
12 high school district and oversee the expansion of the high school district into a K-12 district. The order must be
13 issued within 10 days after the receipt of the election certificate.

14 (6) The county superintendent shall send a copy of the order to the board of county commissioners and
15 to the trustees of the districts affected by the creation of the district. Once the K-12 district has been created,
16 the county superintendent shall transfer the territory included in the new K-12 district from the high school district
17 in which it was previously located.

18 (7) If a new district is created, the effective date of its creation is the following July 1. The trustees of
19 the elementary district must be designated as the trustees of the new K-12 district.

20 (8) Until the county superintendent determines that the new K-12 district is ready to accept students, the
21 existing high school district shall provide high school instruction to students in the newly created K-12 district
22 with the K-12 district providing tuition pursuant to the provisions of 20-5-320 and 20-5-321.

23 (9) If the K-12 school district does not open and operate a high school within 3 years after the effective
24 date of the creation of the new district, the order of the county superintendent creating a new district under this
25 section is void and the new district ceases to exist. If the new district does not operate a high school within the
26 3-year period, the territory must be reincorporated into the district or districts in which it was located before the
27 creation of the new district and the trustees of the new district have no capacity to act.

28 (10) If a petition has been filed under the provisions of this section and the creation of the new district
29 is denied by the county superintendent following the hearing, a new petition may not be filed until 1 year after
30 the final decision on the original petition.

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2 **Section 2.** Section 20-6-104, MCA, is amended to read:

3 **"20-6-104. Moratorium on creation of new district -- ~~exception~~ exceptions.** (1) Except as provided
4 in subsections (2) and (3), a school district may not initiate the creation of a new elementary district or a new high
5 school district.

6 (2) Pursuant to the provisions of [section 1], the trustees or the electors of an existing elementary district
7 may initiate the creation of a new high school district solely for the purpose of expanding into a K-12 district.

8 ~~(2)(3) This section~~ The moratorium in subsection (1) does not apply to a district that results from the
9 procedure for the dissolution of a K-12 school district pursuant to 20-6-704."

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11 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 20, chapter 6, part 3, and the provisions of Title 20, chapter 6, part 3, apply to [section 1].

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14 NEW SECTION. **Section 4. Effective date -- applicability.** [This act] is effective on passage and
15 approval and applies to the creation of new districts on or after [the effective date of this act].

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